



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 23165

PERMIT 15996

LICENSE 10852

**THIS IS TO CERTIFY, That**

JAMES D. BLANKINSHIP AND BILLIE JANE BLANKINSHIP  
2106 WESTSIDE ROAD, HEALDSBURG, CALIFORNIA 95448

HAVE *made proof as of* SEPTEMBER 12, 1974 *(the date of inspection)*  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
DRY CREEK UNDERFLOW IN SONOMA COUNTY

*tributary to* RUSSIAN RIVER

for the purpose of IRRIGATION, FROST PROTECTION AND HEAT CONTROL USES  
under Permit 15996 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from NOVEMBER 22, 1968 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed SEVENTEEN HUNDREDTHS (0.17) CUBIC FOOT PER SECOND, TO BE  
DIVERTED FROM APRIL 1 TO OCTOBER 30 OF EACH YEAR. THE EQUIVALENT OF SUCH CONTINUOUS  
FLOW ALLOWANCE FOR ANY 30-DAY PERIOD MAY BE DIVERTED IN A SHORTER TIME IF THERE BE  
NO INTERFERENCE WITH OTHER VESTED RIGHTS AND INSTREAM BENEFICIAL USES; AND PROVIDED  
FURTHER THAT ALL TERMS OR CONDITIONS PROTECTING INSTREAM BENEFICIAL USES BE OBSERVED.  
THE MAXIMUM AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 25 ACRE-Feet PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 1320 FEET AND WEST 300 FEET FROM NE CORNER OF PROJECTED SECTION 32, T9N, R9W,  
MDB&M, BEING WITHIN NE1/4 OF NE1/4 OF SAID SECTION 32.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

15 ACRES WITHIN NE1/4 OF NE1/4 OF PROJECTED SECTION 32, T9N, R9W, MDB&M.

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION  
THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE AND AN  
OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET  
WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER  
MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION

PRIOR TO SUCH TIME AS THE FLOW OF DRY CREEK IS REGULATED BY THE WARM SPRINGS DAM PROJECT, TO BE CONSTRUCTED BY THE U. S. ARMY CORPS OF ENGINEERS AND THE SONOMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, LICENSEE SHALL ONLY DIVERT WATER WHEN:

(1) THE SURFACE FLOW OF DRY CREEK, ADJACENT TO THE LICENSEE'S POINT OF DIVERSION, EQUALS OR EXCEEDS 10 CUBIC FEET PER SECOND PLUS THE RATE OF DIVERSION DURING THE PERIOD OF APRIL 1 THROUGH JUNE 30; OR

(2) THE NATURAL SURFACE HYDRAULIC CONTINUITY OF DRY CREEK IS INTERRUPTED IN THE AREA BETWEEN THE WESTSIDE ROAD BRIDGE AND THE MOUTH OF DRY CREEK. 016099

THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THE LICENSE FOR PURPOSES OF CONFORMING REQUIREMENTS FOR THE PROTECTION OF THE FISHERIES RESOURCES TO THOSE THAT MAY BE ESTABLISHED FOR CONDITIONS PREVAILING AFTER THE WARM SPRINGS DAM PROJECT IS IN OPERATION. SUCH JURISDICTION SHALL BE EXERCISED ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR THEM TO BE HEARD.

*Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.*

*All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: OCTOBER 18 1978

STATE WATER RESOURCES CONTROL BOARD

*M. A. Lange*

Chief, Division of Water Rights